




MEMORANDUM

TO: Major E. B. Dancy
FROM: Lieutenant S. A. Steed 
DATE: June 22, 2011
RE: Investigation and Disposition (*Addendum for Court Settlement*)
OPS File #09-C-0387-MISC

An investigation of the allegations of this complaint and any other allegations, which arose during the investigation, has been completed.

The following represents the findings of this investigation:

I. INVESTIGATIVE DISPOSITION

The following Work Rules (APD.SOP.2010) were considered:

- 4.1.01 (Appropriate Action Required)
- 4.1.03 (Truthfulness)
- 4.1.05 (Obey the Law)
- 4.2.02 (Courtesy)
- 4.2.03 (Responsibilities of Supervisor)
- 4.2.05 (Unlawful Orders)
- 4.2.12 (Discrimination)
- 4.2.13 (Discriminatory References)
- 4.2.33 (Conformance to Directives)
- 4.2.49 (Abuse of Authority)
- 4.2.50 (Maltreatment or Unnecessary Force)
- 4.6.09 (Use of Firearms)

a. Of the Complaint against:

Major Debra Williams

[X] Sustained

4.2.03 Responsibilities of Supervisor

- | | |
|-----------------------------|---------------------------------------|
| b. Of the Complaint against | Lieutenant Tony Crawford |
| [X] Sustained | 4.1.03 Truthfulness |
| [X] Sustained | 4.2.03 Responsibilities of Supervisor |
| [X] Sustained | 4.2.37 Unsatisfactory Performance |
| c. Of the Complaint against | Sergeant Willie Adams |
| [X] Sustained | 4.1.03 Truthfulness |
| [X] Sustained | 4.1.05 Obey the Law |
| [X] Sustained | 4.2.03 Responsibilities of Supervisor |
| d. Of the Complaint against | Sergeant John Brock |
| [X] Sustained | 4.1.03 Truthfulness |
| [X] Sustained | 4.1.05 Obey the Law |
| [X] Sustained | 4.2.03 Responsibilities of Supervisor |
| [X] Sustained | 4.2.05 Unlawful Orders |
| [X] Sustained | 4.2.12 Discrimination |
| e. Of the Complaint against | Sergeant Kelley Collier |
| [X] Sustained | 4.1.05 Obey the Law |
| [X] Sustained | 4.2.03 Responsibilities of Supervisor |
| f. Of the Complaint against | Sergeant Craig Condon ¹ |
| [X] Sustained | 4.1.05 Obey the Law |
| g. Of the Complaint against | Investigator Bennie Bridges |
| [X] Sustained | 4.1.03 Truthfulness |
| [X] Sustained | 4.1.05 Obey the Law |
| [X] Sustained | 4.2.33 Conformance to Directives |

¹ Rank of Officer at time of raid and has since been promoted to Sergeant

- | | |
|--|--|
| h. Of the Complaint against
[X] Sustained | Investigator Herman Glass ²
4.1.05 Obey the Law |
| i. Of the Complaint against
[X] Sustained | Investigator Timothy McClain
4.1.05 Obey the Law |
| j. Of the Complaint against
[X] Sustained | Investigator Jared Watkins
4.1.05 Obey the Law |
| k. Of the Complaint against
[X] Exceptionally Closed | Officer Stalone Davis ³
4.1.05 Obey the Law |
| l. Of the Complaint against
[X] Sustained | Officer Christopher Dowd
4.1.05 Obey the Law |
| m. Of the Complaint against
[X] Sustained
[X] Sustained
[X] Sustained
[X] Sustained
[X] Sustained | Officer Jeremy Edwards
4.1.01 Appropriate Action Required
4.1.03 Truthfulness
4.1.05 Obey the Law
4.2.02 Courtesy
4.2.13 Discriminatory References |
| n. Of the Complaint against
[X] Sustained | Officer Robert Godwin
4.1.05 Obey the Law |
| o. Of the Complaint against
[X] Sustained
[X] Sustained | Officer Brandon Jackson
4.1.03 Truthfulness
4.1.05 Obey the Law |

² Retired from the Atlanta Police Department effective ; however, member of the Atlanta Retired Police Reserve
³ Resigned from the Atlanta Police Department effective April 13, 2011

p. Of the Complaint against	Officer Dimitri Jacques
[X] Sustained	4.1.03 Truthfulness
[X] Sustained	4.1.05 Obey the Law
q. Of the Complaint against	Officer Melonie Mague ⁴
[X] Exceptionally Closed	4.1.05 Obey the Law
[X] Exceptionally Closed	4.2.49 Abuse of Authority
r. Of the Complaint against	Officer Vicente Marciano
[X] Sustained	4.1.03 Truthfulness
[X] Sustained	4.1.05 Obey the Law
s. Of the Complaint against	Officer Cayenne Mayes
[X] Sustained	4.1.03 Truthfulness
[X] Sustained	4.1.05 Obey the Law
t. Of the Complaint against	Officer James Menzoian
[X] Sustained	4.1.03 Truthfulness
[X] Sustained	4.1.05 Obey the Law
u. Of the Complaint against	Officer Dion Meredith
[X] Sustained	4.1.05 Obey the Law
v. Of the Complaint against	Officer Marlon Noble
[X] Sustained	4.1.05 Obey the Law
w. Of the Complaint against	Officer Darnell Perry
[X] Sustained	4.1.05 Obey the Law

⁴ Resigned from the Atlanta Police Department effective June 16, 2010

x. Of the Complaint against

[X] Sustained

y. Of the Complaint against

[X] Exceptionally Closed

z. Of the Complaint against

[X] Sustained

Officer William Porter

4.1.05 Obey the Law

Officer Stephanie Upton⁵

4.1.05 Obey the Law

Officer William Walters

4.1.05 Obey the Law

⁵ Resigned from the Atlanta Police Department effective July 28, 2010

II. POLICY OR PROCEDURAL CHANGES, TRAINING, RECOMMENDATIONS, AND/OR COMMENTS

Civil Action File Number: 1:09-CV-3286-TCB, filed in the United States District Court for the Northern District of Georgia Atlanta Division, requires the Atlanta Police Department to conduct and conclude, within 180 days of this agreement, a thorough and meaningful investigation into the individual conduct of each officer involved in the planning, execution, and aftermath of the "Eagle Raid" and any proceeding arising there from with regard to Work Rules in effect on the date of the conduct under investigation.

A review of the complaint file indicates the following:

On September 15, 2009, the Office of Professional Standards (OPS) began and conducted an administrative investigation into the actions and conduct of employees who executed a raid on illegal activity September 10, 2009, at the Atlanta Eagle Bar and the Rawhide Leather retail store located at 306 Ponce De Leon Avenue, NE. The investigation was completed and submitted to OPS Command with recommendations of violations of Work Rule 4.1.01 (Appropriate Action Required), 4.2.02 (Courtesy), 4.2.13 (Discriminatory References), and 4.2.50 (Maltreatment or Unnecessary Force) against employees involved in the raid that night. However, on December 8, 2010, the U.S. District Court for the Northern District of Georgia issued an order (Exhibit A) in the settlement of Geoffrey Calhoun, et al vs. Richard Pennington, et al for reforms be put in place on the policies, procedures, and training in the Atlanta Police Department. This order also required the Department to conduct further investigation into the conduct each officer involved in the planning, execution, and aftermath of the "Eagle Raid" and specifically address listed Work Rules in the disposition. The Office of Professional Standards, in conjunction with the law firm Greenberg Traurig, conducted additional interviews with accused employees, command staff, witnesses, plaintiffs, and gathered any relevant testimonial and physical evidence to dispose of any violations against departmental policy and procedures, state and federal laws.

Based upon my review of this file, I recommend that:

- **4.1.01 (Appropriate Action Required)** be Sustained against Officer Jeremy Edwards. As a member of the Vice Unit at the time of this incident, Officer Edwards was handed a wallet by a Red Dog Unit officer that contained a police badge and identification belonging to Eric Staats. Mr. Staats was employed with a police department in Tennessee. Officer Edwards took Mr. Staats from the Back Bar area to Officer Melonie Mague, who was checking identification via GCIC on the computer. Mr. Staats was soon released after his identification was confirmed. Officer Edwards stated it was his decision to release Mr. Staats before anyone else was allowed to leave because he was not involved in any illegal activity that they had observed at the bar. Officer Edwards' actions were seen as not impartial to all persons being held for GCIC checks per the requirement of the work rule.

- **4.1.03 (Truthfulness)** be **Sustained** against Lieutenant Tony Crawford, Sergeant John Brock, Sergeant Willie Adams, Investigator Bennie Bridges, Officer Jeremy Edwards, Officer Dimitri Jacques, Officer Brandon Jackson, Officer Vicente Marciano, Officer Cayenne Mayes, and Officer James Menzoian. During the actual incident and subsequent administrative investigation, the previously listed employees were not truthful in either their written or spoken words. The specific incidents to substantiate the violation are outlined in the Investigative Summary (P-4-27-38 to P-4-30-38).
- **4.1.05 (Obey the Law)** be **Sustained** against all three sergeants, the investigators, and all officers present at the Atlanta Eagle Bar on September 10, 2009. All played a part in having the patrons of the bar to remain on the floor, even through the process of GCIC checks. The tactical plan called for undercover officers to identify those individuals they had actual cases on from previous visits to the bar and release all others. This did not happen. It was decided at the pre-briefing that everyone would be put on the ground for "officer safety;" however, the patrons', who had no charges, Fourth Amendment rights were violated by having to remain on the ground and detained for GCIC checks. All employees had a responsibility to be knowledgeable of citizen's rights and not act on an unlawful order to violate such rights. All employees shall uphold the Constitution of the United States.
- **4.2.02 (Courtesy)** be **Sustained** against Officer Jeremy Edwards for using his personal cell phone to photograph Officer Robert Godwin in the rear of a prisoner transport wagon that included the image of two arrested employees of the Atlanta Eagle Bar.
- **4.2.03 (Responsibilities of Supervisor)** be **Sustained** against Major Debra Williams and Lieutenant Tony Crawford. Major Williams failed to follow-up with Lieutenant Crawford on the progress of the investigation after directing the lieutenant to handle the complaint received from City Hall of illegal activity at the Atlanta Eagle Bar. Major Williams stated she was not aware of the raid until the following day on the radio while en route to work. In addition, the major attended a press conference in regards to what occurred at the bar where she erroneously stated that it was the Department's policy to run GCIC checks on all persons present at the raid. Supervisory employees shall ensure the proper conformity to Department policies and procedures

On the same issue with compliance to the work rule, Lieutenant Crawford stated he was not present at the raid on the bar because he had to attend COBRA the morning of September 10th and subsequently admitted that someone higher than a sergeant should have been present during the execution. Additionally, the lieutenant required Sergeant Brock to be at COBRA the same morning to address Vice related questions; however, he also had to be present at the raid later that evening. Lieutenant Crawford also did not sign off on the tactical plan, as required, or even see it until the day after the raid and stated Major Williams gave him direction that it was alright for the sergeant to just sign off on it. He had no discussion with Sergeant Brock on the details of the investigation or raid.

It is also recommended that **4.2.03 (Responsibilities of Supervisor)** be Sustained against Sergeant Brock, Sergeant Collier, and Sergeant Adams. All three sergeants allowed patrons of the bar (who were not accused of illegal activity) to remain detained on the floor after employees with charges had been separated from them, and in some cases allowed to sit up. As supervisors, they should have taken immediate action to correct the actions of officers it not aware it would be done or not initiated such action once order and control was evident. Additionally, it was Sergeant Brock responsibility as the lead supervisor on the investigation and raid to make sure his pre-briefing with those employees participating was thorough and they were aware no search warrant had been issued for the location. And in knowing there was no warrant, the sergeant should have also intervened when he was aware that a Red Dog officer was kicking in a door inside the club.

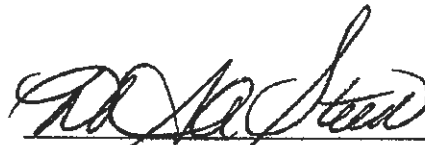
- **4.2.05 (Unlawful Orders)** be Sustained against Sergeant Brock and Sergeant Adams for holding patrons of the bar who had not been witnessed by undercover officers to be involved in illegal activity and check for wants on GCIC. The order was in violation of the patrons' constitutional rights and Department policy and procedures. Sergeant Brock stated his decision to do so was due to observing another supervisor being chastised at the weekly COBRA meeting for not checking all persons present on GCIC at a detail similar to the one conducted at the Atlanta Eagle Bar. Sergeant Adams also was in the decision at the pre-briefing to have Red Dog officers place all patrons on the floor upon entry.
- **4.2.12 (Discrimination)** be Sustained against Sergeant Brock. During the administrative investigation, the sergeant was asked why he directed that everyone (patrons and employees) would be put down on the floor. He stated, "There's a risk factor involved when you're dealing with people you don't know anything about. S&M, that - that has a stigma of some sort of violence." Sergeant Brock based his decision on the assumed sexual orientation of those persons patronizing the bar to make a tactical directive.
- **4.2.13 (Discriminatory References)** be Sustained against Officer Jeremy Edwards for his statement during this investigations that "Seeing another man have sex with another man in the ass, I would classify that as very violent." This statement can be conferred as derogatory based on the assumed sexual orientation of those persons he witnessed engaged in such activity in the bar.

It should be noted that the witnesses present at the bar that night stated they heard officers make other discriminatory remarks in their presence; however, none of these remarks could be substantiated due to conflicts in the times and locations the witness would have heard a similar comment made by an officer. Additionally, there was no confirmed identification of the officer(s) who made the remarks.

- **4.2.33 (Conformance to Directives; APD.SOP.3060, "Reports and Report Writing," Section 4.1.1[1])** be Sustained against Investigator Bennie Bridges. This was previously outlined in the original OPS investigation (see command write-up completed by Lieutenant Neil Klotzer); however, as the lead investigator,

Investigator Bridges stated he completed a supplemental report after each detail was conducted at the Atlanta Eagle Bar starting in May of 2009. No supplemental incident reports could be located that were created and submitted by Investigator Bridges for details conducted on June 11, 2009, and September 3, 2009.

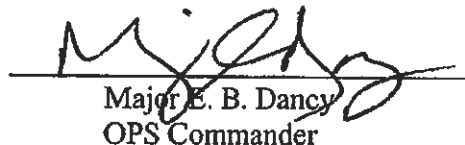
- **4.2.37 (Unsatisfactory Performance) be Sustained** against Lieutenant Tony Crawford. The administrative investigation concluded from testimonial evidence that the lieutenant did not sufficiently follow the progress of the Atlanta Eagle investigation as closely being the commander of the Vice Unit, nor did he provide Major Debra Williams, his immediate commander, adequate updates regarding the investigation. Lieutenant Crawford was described by Vice personnel to be absent from most, if not all, the Vice Unit's operations. Lieutenant Crawford failed to conform to work standards established for his position and take appropriate action on an incident deserving his attention.
- **4.2.49 (Abuse of Authority) be Sustained** against Officer Melonie Mague, who was running GCIC checks on patrons via their identification. For this investigation, Robert Treutel stated that he was held longer than the other patrons because he was the most vocal about being detained for no reason. When asked by another officer why his identification was still being held, Officer Mague responded that someone asked her to hold it out. Mr. Treutel was the last patron to be released. Such action is a use of the officer's authority to harass and punish Mr. Treutel for being vocal compared to other patrons.



Lieutenant S. A. Steed
Commander, Internal Affairs Unit

This Investigation is: ☒ Approved ☐ Disapproved

By:



Major E. B. Dancy
OPS Commander

06/27/2011
Date

Comments: _____



**TO: LIEUTENANT S. STEED
 OFFICE OF PROFESSIONAL STANDARDS
 INTERNAL AFFAIRS UNIT**

I. COMPLAINT CONTROL NUMBER: 09-C-0387-MISC

A. DATE OF COMPLAINT: September 14, 2009

B. DATE OF OCCURRENCE: September 10, 2009

**C. COMPLAINT: 4.1.03, 4.1.05, 4.2.02, 4.2.03,
 4.2.05, 4.2.12, 4.2.13, 4.2.33,
 4.2.49, 4.2.50 & 4.6.09**

D. COMPLAINANT: Geoffrey Calhoun, et al.

**E. ACCUSED: Major Debra Williams
 Lieutenant Tony Crawford
 Sergeant John Brock
 Sergeant Kelley Collier
 Sergeant Willie Adams
 Investigator Bennie Bridges
 Officer Craig Condon
 Officer Stallone Davis
 Officer Christopher Dowd
 Officer Jeremy Edwards
 Investigator Herman Glass
 Officer Robert Godwin
 Officer Brandon Jackson
 Officer Dimitri Jacques
 Officer Melonie Mague
 Officer Vicente Marcano
 Officer Cayenne Mayes
 Investigator Timothy McClain
 Officer James Menzoian
 Officer Dion Meredith
 Officer Marlon Noble
 Officer Darnell Perry**

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Officer William Porter
Officer Stephanie Upton
Officer William Walters
Investigator Jared Watkins

F. WITNESSES

Officer Khayriyyah Bashir
Captain Barbara Cavender
Investigator Gregory Dabney
Officer Staci Mueller
Lieutenant Scott Pautsch
Lieutenant Dan Rasmussen
Investigator Kelleita Thurman
Lieutenant William Trivelpiece
Leandro Apud
Ernest Buehl
Elton Burkes
Geoffrey Calhoun
Benjamin Cheaves
Johnny Curran
Alan Dale
Mark Danak
Christopher Daniels
Thomas Fast
Sean Gaboya
Thomas Hayes
Brian Hughes
Kenneth Keck
Robert Kelley
Robert Kline
Nicholas Koperski
Christopher Lopez
Robert Marlow
Raymond Matheson
Andre Mayes
Robert McClendon
Jeffrey McLeod
Saverio Monteleone
Matthew Presley
Merwin du-Wayne Ray
Scott Schneider

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David Shepherd
Eric Staats
David Thomas
Robert Treutel
Gary Ziemer

II. INVESTIGATIVE SUMMARY:

A. COMPLAINT ALLEGATION:

Civil Action File No.: 1:09-CV-3286-TCB, filed in the UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION, requires the Atlanta Police Department to conduct and conclude, within 180 days of this agreement, a thorough and meaningful investigation into the individual conduct of each officer involved in the planning, execution, and aftermath of the "Eagle Raid" and any proceeding arising there from with regard to Work Rules in effect on the date of the conduct under investigation.

B. VICE INVESTIGATION SUMMARY

May 15, 2009

On May 15, 2009, an email was sent to the Mayor's Office complaining that wild sex parties were occurring at the Atlanta Eagle and spilling out into the surrounding neighborhood. This email was forwarded to Sergeant Lisa Keyes of the Public Affairs Unit.

May 20, 2009

Sergeant Keyes forwarded the email to Major Khirus Williams, commander of Zone 5, who in turn forwarded the email to Major Debra Williams, commander of the Special Enforcement Section, to handle. Major Debra Williams responded back to Major Khirus Williams that the Special Enforcement Section would look into the complaint and also sent the response to Sergeant John Brock and Sergeant Kelley Collier of the Vice Unit, and copied Lieutenant Tony Crawford, commander of the Vice Unit, on the email.

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Sergeant Collier drove by the Atlanta Eagle to look at the location.

May 21, 2009

Officers: Sergeant John Brock, Sergeant Kelley Collier, Investigator Bennie Bridges, Investigator Gregory Dabney, Investigator Timothy McClain, Investigator Jared Watkins, Officer Robert Godwin, Officer Melonie Mague, Officer Dimitri Caldwell, Officer Jeremy Edwards, Officer Vicente Marciano.

Sergeant Collier sent an email to Lieutenant Crawford saying he went by the Eagle and didn't see any illegal activity. Sergeant Collier told Lieutenant Crawford in the email that the Vice Unit would run a detail at the Atlanta Eagle later that evening, once they completed an unrelated detail.

Undercover officers from the Vice Unit went into the Atlanta Eagle for the first time around 10:30 PM. Undercover officers were allowed to consume alcohol according to SOP. Officers on loan to the Vice Unit were not issued City funds and had to rely on the investigators to pay for their cover charge and drinks. Officer Godwin recalled the bartender bought him a shot of Jager after tipping so much. Godwin drank the shot because the bartender was telling him it was "orgy Thursdays," and Godwin didn't know if the bartender was going to tell him anything else.

Investigator Bridges went into the Rawhide Leather shop where he purchased a cap with City funds to get the manager to talk with him.

While inside the Atlanta Eagle undercover officers witnessed men dancing on the bar in their underwear and receiving tips for exposing themselves. In the area of the bar called the club room, undercover officers witnessed three men having sex, one man performing oral sex on another while having anal sex with another man. After witnessing the activity inside the bar, the officers exited the Atlanta Eagle and returned to the office where they debriefed about what they had witnessed that night. It was determined more visits would be made to the Atlanta Eagle to build a case to show the owners knew the activity was occurring in the bar. Investigator Bridges volunteered to be the lead investigator on the case.

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May 22 – June 10, 2009

Following the first visit to the Atlanta Eagle Investigator Bridges met with City Solicitor Larry Gardner to discuss what he had witnessed during his visit to the Atlanta Eagle. Investigator Bridges and Mr. Gardner discussed lewd sex acts at a location open to the public being an indecency charge, dancers not having proper permits and the manager not having a license to serve alcohol at an establishment with adult entertainment.

June 11, 2009

Officers: Investigator Bennie Bridges, Investigator Timothy McClain, Officer Vicente Marcano

Undercover officers from the Vice Unit returned to the Atlanta Eagle for a second visit and again witnessed dancers on the bar exposing themselves. There was no sexual activity witnessed by the officers during this visit.

June 12 – September 2, 2009

During the summer of 2009, there were a series of smash and grab burglaries occurring throughout the Metro Atlanta area. The Vice Unit was pulled from its regular investigations to assist the Gang Unit in solving the crime. As a result the Vice Unit's investigation into the Atlanta Eagle was put on hold.

September 3, 2009

Officers: Sergeant Kelley Collier, Investigator Bennie Bridges, Investigator Kelleita Thurman, Officer Marlon Noble

The investigation into the Atlanta Eagle was reopened. Undercover officers went into the Atlanta Eagle to determine if illegal activity was still occurring inside the bar. Once inside the Atlanta Eagle undercover officers again witnessed men dancing on the bar and engaged in sex in the back room. After this visit to the Atlanta Eagle it was determined enough evidence had been gathered to bring the investigation to a close. It was determined the Vice Unit would enter the Atlanta Eagle the following Thursday, September 10,

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2009, for the purpose of making arrests on the individuals involved in illegal activity.

September 10, 2009

Sergeant Brock attended the weekly COBRA meeting. After the meeting Sergeant Brock was on an elevator with Lieutenant Crawford and Sergeant Harper, of the Gang Unit. Sergeant Brock told Lieutenant Crawford the Vice Unit was going to hit the Atlanta Eagle tonight and asked if the Gang Unit could assist. Lieutenant Crawford replied the Gang Unit was busy and suggested to Sergeant Brock that he use Red Dog instead.

Sergeant Brock reviewed the TAC plan created by Investigator Bridges. A briefing was scheduled to be held with Red Dog in the parking lot of Grace United Methodist Church located approximately three blocks from the Atlanta Eagle. At the briefing Investigator Bridges assigned undercover officers a post inside the Eagle to look for illegal activity. Once the undercover officers had witnessed illegal activity, the Red Dog Unit would be called in to secure the bar. During the briefing the three sergeants, Sergeant Brock, Sergeant Collier and Sergeant Adams, discussed the best way to secure the patrons in the bar until a member from the Vice Unit could identify who was being arrested. The plan was to identify individuals the undercover officers had made cases on and release the others. It was decided that "for officer safety," everyone would be put on the ground. Sergeant Brock made the decision to check everyone on GCIC after witnessing another supervisor chastised by Chief Pennington in a weekly COBRA meeting for not checking everyone for warrants in an unrelated police operation. It appears Red Dog was never informed there was not a search warrant for the Atlanta Eagle.

After the briefing, undercover officers from the Vice Unit went into the Atlanta Eagle and went to their assigned post where they watched for illegal activity. While inside the Eagle, Officer Edwards received a text message on his cell phone from Officer Jacques, a Red Dog officer standing by at the staging area, inquiring about how much longer they would have to wait. Officer Edwards replied to Officer Jacques that it was just beginning to get busy. Approximately one hour after the undercover officers entered the

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Eagle, Officer Edwards, who had been assigned to the back bar, informed Investigator Bridges he had witnessed men in the club room engaged in sexual activity. Investigator Bridges used his cell phone to call Officer Mague who was standing by at the staging area with Red Dog. Officer Mague received the call from Investigator Bridges and led Red Dog officers to the Eagle where she directed them to the side entrance of the bar.

Under the impression they were assisting with a search warrant, Red Dog officers followed Officer Mague up a small set of steps onto a large deck where Officer Menzoian and Officer Walters secured Ernest Buehl, the doorman collecting cover charge to enter the bar. Officer Dowd entered Rawhide Leather, a business that has an entrance off the deck. The remaining Red Dog officers followed Officer Mague up another set of stairs into the side entrance.

Lower Deck

Patrons: Merwin du-Wayne Ray, Jeff McLeod and Charles Schmaltz,
Employees: Ernest Buehl
Officers: Officer James Menzoian, Officer William Walters and Officer Christopher Dowd

Ernest Buehl was the doorman collecting cover charge the night of the raid. The Eagle opens at 8:00 PM and Buehl sets up at the gate that leads from the parking lot to the lower deck and begins collecting a \$5.00 cover charge at 10:00 PM. Buehl begins the night with a bank of \$400.00 kept in a cash box but can't remember how many patrons had paid a cover charge to enter the bar prior to the raid.

Buehl first noticed the police when he looked into the parking lot and saw three paddy wagons in the parking lot and three police cars in the street. Six officers lined up behind a female officer that got out of a paddy wagon and they walked to where Buehl was collecting cover charge. The female officer was carrying a brief case and directed two male officers to secure him. The female and remaining four officers ran into the leather shop. The people in the leather shop were brought out in handcuffs by two officers and sat in front of a bench on the lower deck. The female and remaining officers then continued upstairs into the side entrance of the bar. Buehl was handcuffed with two pair of metal handcuffs. The manager of the leather shop was handcuffed with plastic ties. There

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were two other people also handcuffed on the lower deck with Buehl and the manager of the leather shop. Buehl never was patted down. After about ten minutes the officers sat Buehl down on the floor of the deck in front of a bench and placed the cash box on the bench behind him.

Someone shouted from the side entrance of the main bar for the officers to bring Buehl up and place him on the dance floor inside the bar. Two officers escorted Buehl up the stairs. As Buehl entered the bar he saw people lying on the floor in the main bar area. The officers escorted him through the pool room, into the main hallway and to the dance floor.

Merwin du-Wayne Ray, manager of Rawhide Leather, and Jeff McLeod were inside the leather shop when Red Dog entered. Ray said he saw an officer standing at the entrance with a gun pointed at his head and another officer came behind the counter and asked if he worked there. Ray replied yes and was handcuffed with plastic zip-tie cuffs. McLeod and Ray were then escorted out onto the lower deck where they sat until released. McLeod was not handcuffed. McLeod said while sitting on the deck he heard one officer say to another officer "this is more fun than raiding niggers on crack." Ray said he was handcuffed approximately three hours before being cut loose and was allowed to lock up the leather shop before leaving. His cash register appeared to have been rifled through but no cash was missing.

Charles Schmaltz was identified as a patron on the deck but did not provide an interview for this investigation.

Officer James Menzoian was under the impression there was a warrant of some kind the night of the raid but wasn't sure if it was a search warrant or an arrest warrant. Menzoian and Walters assignment was to secure the person collecting cover charge as you enter the lower deck from the parking lot. Upon arrival at the Eagle, Menzoian secured the doorman using two sets of handcuffs, because of the size of the doorman, and sat him on a bench to the left of the gate. Menzoian remembered the other patrons that were on the lower deck were sat on the bench next to the doorman, but doesn't recall if they were handcuffed. Menzoian doesn't recall having his gun drawn the night of the raid. Two Vice officers came for the doorman and escorted him inside the Eagle. Menzoian stayed on the lower deck until he was cleared to leave. He went inside the bar to retrieve his handcuffs then left.

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Officer William Walters' assignment was to secure the doorman and he thought there was a search warrant for the bar. Walters never went inside and didn't feel the need to un-holster his weapon to walk around on the lower deck. Walters didn't go inside Rawhide Leather but thought someone went inside the store to secure it.

Officer Christopher Dowd doesn't recall whether or not he was told there was a search warrant for the Eagle but assumed there was one. Dowd never drew his weapon that night since he was on the perimeter of the deck. Dowd went into Rawhide after being directed by someone to secure it. Dowd can't remember who directed him into Rawhide. He made the individuals inside Rawhide come out onto the lower deck but did not search inside Rawhide.

As Red Dog officers followed Officer Mague through the side entrance, they fanned out entering the main bar to the right and the pool table room to the left, ordering patrons to lie on the floor as they made their way through the bar.

Within two minutes the bar was secure and the undercover officers began separating the employees from the patrons. The patrons were forced to remain on the floor face down while their identification was collected and run on a laptop computer by Officer Mague and Officer Noble. According to the GCIC logs, this process lasted forty-four minutes and each patron was allowed to exit once their name was checked. The employees were handcuffed and sat along a wall on the dance floor. As Sergeant Brock was escorting the owner of the bar, Robbie Kelley, to the dance floor area he heard what sounded like someone kicking open a door and Robbie Kelley say "I can open that for you, never mind." Sergeant Brock looked in the direction of the door and saw several Red Dog officers standing around it but couldn't tell who kicked in the door.

Main Bar

Patrons: Nicholas Koperski, Dave Thomas, Thomas Hayes, Brian Hughes, Thomas Fast, Mark Danak, Robert McClendon, Gary Ziemer, John Curran, Matthew Presley and Robert Marlow.

Employees: Anitonio Benitez, Robert Kline, Chris Lopez and Robbie Kelley.
Officers: Sergeant John Brock, , Sergeant Kelley Collier, Investigator Timothy McClain, Officer Melonie Mague, Officer Cayenne Mayes, Officer Brandon Jackson and Officer Stalone Davis.

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Patrons and employees in the main bar noticed flashlights coming in from the side entrance and heard people yelling get on the floor. Everyone in the main bar was ordered to lie on their stomachs and keep their hands where they could be seen. Everyone in the main bar was patted down by uniformed officers and were nudged to roll right, then left so the officers could check their pockets.

Nicholas Koperski was just exiting the men's restroom when he heard someone shout this is a raid. Get on your stomachs and keep your hands where we can see them. Koperski heard someone ask what was going on and was told to "shut the fuck up."

Dave Thomas was in the center of the main bar when Red Dog entered brandishing weapons and yelling commands "get on the floor. Get on the floor now." Some officers were yelling "get down on the fucking floor now." Thomas assisted a friend, Thomas Hayes, down to the floor because Hayes had a ruptured disc.

Thomas Hayes was sitting at the main bar when he saw flashlights coming in from the side entrance. Hayes had his back to the bar and saw an officer kicking at a locked door attempting to get it open. Hayes obeyed the officer as rapidly as possible but had difficulty because of his ruptured disc. Dave Thomas assisted him to the floor. Hayes was asked if he had any drugs or weapons but couldn't recall if he responded.

Brian Hughes exited the restroom to the sound of yelling and everyone was on the ground. Hughes thought they were being robbed and got down on the ground and stayed quiet. Hughes lifted his head up and saw tall black officers kick in the kitchen door.

Thomas Fast was in the main bar when he heard someone say get down on the floor and saw a big black officer and other officers. Fast hit the floor and had his head down in a position where he wasn't trying to look around. A man lying next to Fast was crying and Fast overheard an officer tell him to keep his mouth shut or he'd knock him over the head with a nightstick.

Mark Danak was in the main bar watching a football game on TV when Red Dog entered. A beer bottle had been broken where Danak was forced to lay prior to the police entering. An attempt had been made to pick up the broken pieces of glass and the floor had been mopped but there was still glass on the floor. While on the floor Danak tried to have a conversation with someone on his left but an officer told them to "shut the fuck up and don't move." Danak was just trying to tell the officer that he was lying in glass. He got some

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cuts from the glass on his forearms and bled a little but the cuts were minor. The officer who patted him down used his foot rather than using his hands or his voice to direct him. The officer used his boot to kick Danak's legs apart. It didn't hurt him. It was obvious to Danak that the officer was trying to move his legs apart with his foot. Danak would not describe this as assaultive behavior. The officer was not intending to inflict pain.

Robert McLendon was in the main bar next to Danak when the police entered. McLendon informed the officer he was laying in glass and asked to move. The officer said "shut the fuck up" or he was going to handcuff or arrest him. The officer that searched him took his medicine for diabetes and would not return it, even after he was released. McLendon was nudged several times to move out of the way as officers moved throughout the bar. If anyone would pose a question the officers would tell them "shut the fuck up." People weren't given the opportunity to ask a question like that. One guy was moved by the cigarette machine and was told if he didn't "shut the fuck up," they were going to hit him in the head with a bar stool.

Gary Ziemer had just entered the bar and was standing at the corner of the main bar when the police entered shouting for everyone to get down on the floor. Ziemer started to get down on the floor and apparently wasn't getting down fast enough. A big black officer grabbed the back of his neck and forced him to the floor. Ziemer heard officers yelling obscenities towards everyone but doesn't believe he heard any racial slurs.

John Curran was in the main bar when the police entered and saw an officer with a flashlight in one hand and a gun in the other. The same officer, with the gun drawn, forced him to the ground. The officer approached him on his left side and pulled him down by his left arm and put his hand on the back of his neck and a boot on his back. After they were all on the floor, an undercover officer told the other officer to holster his weapon. For approximately five minutes, an officer put a boot on his back. During the next five or ten minutes, he heard one officer mutter to himself, as he stepped over him, that he really hated gay people. While he was lying on the floor, one officer said to another that "raiding a gay bar was more fun than raiding niggers with their crack." After that, a female officer was trying to get his attention. She called him skinny legs, and then when he didn't reply, she said: "Hey you string bean, you got ID?" Curran responded in the affirmative. Curran reached in his own back

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pocket and handed over his ID. Curran removed his wallet from his pocket, took out the ID and gives it to the female officer and sat up with his back against the wall.

Matthew Presley was in the main bar when the police entered. Presley heard people ask: "are we being robbed?" The first command he heard was requesting everyone to get down on the floor. Presley witnessed an officer kick in a kitchen door.

Robert Marlow was at the main bar watching a football game when the police entered. Marlow complied with the demands and was released after his identification had been checked on the computer.

Antonio Benitez was a dancer on the main bar at the time of the raid. Benitez did not provide a deposition, statement or interview for this investigation.

Robert Kline was a dancer on the main bar at the time of the raid. Benitez did not provide a deposition, statement or interview for this investigation.

Chris Lopez was bartending when a patron ran into the bar and said there were police officers at the door. Lopez immediately turned to Robbie Kelley and shouted for him to come over to where he was. Lopez turned around and saw officers entering the bar shouting "everybody get down." An officer placed a handcuff on his left hand and the other handcuff was placed on Kelley. The officer escorted he and Kelley to the dance floor where an officer was attempting to kick in a door to the storage area. Kelley yelled "let me open it for you. Don't destroy my property." By the time they reached the door the officer had kicked it open.

Robbie Kelley owns the Atlanta Eagle and was bartending when Lopez asked him to come here. Kelley noticed Chris was handcuffed and then the officer's handcuffed him. About the same time they handcuffed him, they started screaming at the customer to get down on the floor. There were gentlemen on the bar dancing. The officer assisted them down. Specifically, they held their arms while they climbed down. After he was handcuffed, the officer pulled out his badge. There were ten or more officers in the area at the time. Lopez and Kelley were both taken to the dance floor and ordered to sit down. It had gotten real quite. You heard people grunting and groaning as the police officers started to go through their pockets and stepped on them and kicked them in the ribs or head or whatever, and pulled their stuff out of their pockets. Instead of putting it back in

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their pockets, they just drop it right down in front of their face. He was told he couldn't move, if he moved he would be hit. He asked if he had any rights and was told "fuck you, you don't have any rights." Kelley also requested assistance for a gentleman that just had a hip replacement but was told it was none of his business. There was a patron sitting near the dance floor and asked what was going on and what his rights were. The officers told him he didn't have any and if he didn't sit down, the officer yelled "I'll hit you with a barstool." The officer made that patron the last to leave. The officer told the patron they lost his ID and it would be a little while before they could find it. The officer made him lay on the floor after everybody left. After the main bar area cleared out enough, all the Red Dog Units sat in a circle and were laughing, joking, high-fiving each other and saying this was so much fun. We should do it to a fagot bar every week. Kelly also heard the officers asking the patrons: who's in the military so we could call their sergeants and who is married so they could call their wives. On his way out of the Club, he heard two police officers stating that this was more fun than hitting a nigger on crack.

Officer Bridges walked Kelley back to the office. The office door was open. There was no sign of forced entry. Bridges had Kelly's keys. Bridges took them from the cash register. Bridges looked through the register and only removed his keys. Once they got ready to leave, Bridges personally returned the keys and removed the handcuffs from Kelley so he could close the bar. Bridges also allowed him to obtain his wallet and put the money from the registers upstairs. Once the facility was locked up, Kelly was put back in handcuffs and taken outside. At this point, he heard the following comment: "This was more fun than hitting a nigger with crack."

Sergeant Brock was standing at the main bar so he could secure the two bartenders, Chris Lopez and Robbie Kelley, and also turn up the lights when Red Dog entered. Sergeant Collier was at the opposite end of the main bar from Sergeant Brock and as Red Dog entered, Sergeant Collier heard Robbie Kelley tell a patron sitting at the corner of the bar to go to the back and tell them the police are here. Sergeant Collier took this as an attempt for Mr. Kelley to warn patrons in the back bar because that is the area where undercover officers had witnessed sexual acts during previous visits. Sergeant Collier pulled out his badge to identify himself and told the patron to stay seated.

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Investigator McClain was in the main bar area during and after the raid. McClain does not recall seeing guns drawn when Red Dog did enter. He heard no complaints of weapons being pointed at anyone, or orders to put guns away. The kitchen door was kicked in by a black male member of the Red Dog team after they requested a key to open the door three times and no one responded. After the door was kicked in, the short, stocky bartender stated he had a key to the door.

Officer Mague led Red Dog officers into the bar and was the first to enter. It was very dark and difficult to see but Mague could see that people were up and moving around. Mague turned the lights up when she entered the main bar. Once the bar was secure Mague returned to her car to retrieve the laptop to check ID's. The main bar area was still poorly lit even after the lights were turned up and Mague had to use the light given off by the laptop monitor to read the ID's.

Officer Mayes was assigned to the main bar and given instructions on how to get there. Mayes believed there was a search warrant because they were raiding a club, but doesn't recall any discussion about a search warrant. During the briefing Red Dog was told not to assume there were no weapons just because it was not a drug house. They were told to be vigilant and careful and to keep their eyes peeled.

Mayes arrived at the club and had to wait for others to arrive. Red Dog officers gathered, not in a typical stack but a loose group, and entered the club together.

Mayes entered through the side entrance without his weapon drawn. He went through the pool table room, into the main hall, turned to the right and went to the main bar. It was still dark inside the bar and he had to use his flashlight to find his way through the bar. Officers were telling everyone to get their hands up. There were about ten people in the main bar area including a man dancing in a cage. Once patrons were on the ground Mayes conducted a pat down of about three patrons for weapons, patting down the outer layer of clothing but did not go into anyone's pockets. The patrons were lying on their stomachs and had to roll over to have their waistband checked. Mayes asked patrons for their ID's and the patrons reached into their pockets and handed their ID's to the officers.

Officer Brandon Jackson did not receive an assignment during the briefing. He understood they were just to go into the bar and

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spread out. Jackson was not told whether or not there was a search warrant but believed he was operating under a warrant. Jackson did not have his weapon drawn when he entered the bar. Jackson went to the main bar where he saw the patrons were already laying down. Jackson patted down people for weapons and asked for their ID's.

Officer Stallone Davis was assigned to the main bar. Davis said patrons were kept on the floor because that was the safest position for all parties involved. Davis didn't hear any threats made to anyone, nor did he threaten anyone.

Pool Room

Patrons: Elton Burkes, Andre Mayes, Kenneth Keck, Joseph Black and "Deaf David"

Employees: Leandro Apud

Officers: Officer William Porter, Officer Stephanie Upton, Officer Vicente Marciano and Investigator Herman Glass.

Red Dog entered into the pool room shouting for the patrons to get down on the floor. There was a deaf man in the pool room who couldn't hear the commands but eventually understood he needed to get down when he saw the other patrons getting on the floor and saw the police.

Elton Burkes and Andre Mayes said the officers entered the pool room with guns drawn, shining their flashlights. Burkes said the officers were rough with a deaf man because he wasn't following their commands but said that could have been because the officers didn't know he was deaf. Burkes and Mayes said the officers went into and removed things from their pockets.

Kenneth Keck was in the pool room with his friend Joe Black when Red Dog entered the pool room. A dancer was walking into the pool room as the officers entered. The officer pushed the dancer to the floor as they made their way through the room. Keck didn't see any officers with their weapons drawn.

Joe Black did not provide a statement for this investigation.

"Deaf David" lives out of state and did provide a statement for this investigation.

Leandro Apud is a dancer at the Eagle and was inside the changing room, behind the cloak room, preparing to dance when Red Dog entered the building. Apud heard a lot of commotion and peeped out of the room to see what was going on. A female officer pointed a

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gun at him and demanded he get down on the floor. Apud, dressed only in his underwear, lay down on the floor just inside the pool room entrance.

Officer William Porter was under the impression there was a search warrant for the bar because Red Dog was called in to assist with a business type of entry. Porter never drew his weapon during the raid. Porter said it would not have been tactically safe to have a weapon out because the officers were so spread out. Porter doesn't recall patting anyone down nor did he recall seeing another officer pat anyone down. Porter collected ID's from patrons by asking them for their identification.

Officer Stephanie Upton is no longer employed by the City of Atlanta and was not interviewed during the post investigation. Upton did make a statement in the initial investigation. Upton was unaware whether or not there was a search warrant. Upton, who is openly gay, did not hear anyone make derogatory remarks of any kind during the raid and would have complained to a supervisor if she had. Upton said she did conduct a pat down for weapons but did not search anyone.

Officer Vicente Marciano was assigned to the pool room the night of the raid. Though he was assigned to the Vice Unit at the time he was unaware whether or not there was a search warrant. Marciano said he did not pat or search anyone but he did see Red Dog officers patting people down for weapons.

Investigator Herman Glass was assigned to the pool room. Glass didn't see any officers with their weapons out after the area had been secured. Glass didn't frisk anyone nor could he recall any other officers frisk patrons.

Main Hall

Patrons: Sean Gaboya, Raymond Matheson, Saverio Monteleone, Robert Treutel, Allan Vives, Benjamin Cheaves and William Pugh.

Employees: Thdareius Johnson and Thomas Long

Officers: Investigator Bennie Bridges, Officer Marlon Noble, Officer Craig Condon, Sergeant Willie Adams and Officer Brandon Jackson

No patrons in the main hall saw officers with their weapons drawn during the raid.

Sean Gaboya was sitting on a bench along the wall in the main hall when Red Dog entered. Gaboya said an officer grabbed him by

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the collar, lift him up and threw him to the floor. Gaboya said he was on his hands and knees and the officer stepped on his back to push him all the way to the floor. As Gaboya lay on the floor he saw his necklace had been broken and was lying on the floor next to him. Gaboya's roommate, Ray Matheson was lying on the floor next to him. The same officer that pushed Gaboya to the floor removed his wallet and passport from his front pocket.

Raymond Matheson was in the main hall and heard several individuals yelling get on the floor. An officer asked if he had anything sharp or any weapons in his pockets. Matheson replied no and was patted down by the officer. The officer removed his cell phone, keys, and some money out of his pocket and placed it in front of him.

Saverio (Tony) Monteleone was visiting from New York and was in the main hall area of the bar when Red Dog entered. Monteleone said he heard a big boom, which startled him, a lot of yelling and the lights went up. The area where Monteleone was forced to lay had glass from a broken beer bottle. Monteleone said there had been a lot of yelling, officers telling the patrons to be quiet and don't move, when all of a sudden there were more voices, more officer coming in. Monteleone was frisked by a uniform officer while lying on the floor.

Robert Treutel had just ordered a drink and was in the main hall area of the bar when he noticed guys wearing black with flashlights screaming "get down." Treutel saw the officers coming down the main hallway from the pool room and also into the main bar from the side entrance. Treutel never heard any officer swear but the officers spoke in a very militant tone. An officer emptied Treutel's box of cigarettes on a table. Though the officers were rude Treutel didn't see any officers striking, kicking or battering anyone in any way.

Allan Vives, William Pugh, Thdareius Johnson and Thomas Long did not provide statements related to the raid of the Atlanta Eagle on September 10, 2009.

Investigator Bennie Bridges was standing in the main hall near the cage when Red Dog entered the bar shouting "Atlanta Police, everybody down." Everyone in the bar complied and got down on the floor. Red Dog officers patted down the patrons for weapons. The bartenders and dancers were taken to the dance floor where they sat against the wall.

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Officer Noble was in the main hall outside the game room when Red Dog entered and thought they entered with their weapons drawn. Noble didn't see any officer search or pat down any of the patrons. After the bar was secure Noble ran ID checks on a laptop computer.

Officer Craig Condon was given his assignment the night of the raid by Sergeant Adams. Condon wasn't assigned a specific room, but was to go inside, have everyone get on the ground, make sure the scene was safe and secure. Condon said he could possibly have had his gun drawn. Condon did not pat or frisk anyone inside the Eagle.

Sergeant Willie Adams didn't ask if there was a search warrant. Adams took for granted the lieutenant had already seen it -- it wasn't discussed. Mague led them in initially and then everybody filtered out to their responsibilities. As the supervisor, he didn't have an assignment and that is why he came in at the rear. The officers entered in single file. He may have been the last one in. They walked swiftly in and probably were in the building in just minutes. On this detail there were no weapons drawn. It wouldn't have been a good idea to go into a place like that with weapons drawn. Based on the information available to Adams, weapons would not have been justifiable. Once inside the Eagle, Adams' opinion did not change. If guns would have been drawn they would have been at a "low ready."

Officer Jackson understood they were just going to go in the bar and spread out. Jackson believed he was operating under a search warrant at the Eagle because that is usually the case when they do an establishment like that. Jackson patted people down for weapons and asked for their license when he entered the main bar.

Dance Floor

Patron: Christopher Daniels
Officer: Officer Dimitri Jacques

Christopher Daniels said he was standing in the bar talking when he saw flashlights and heard people saying get on the floor. The officer that searched him said to roll over to one side and then roll over to the other side.

Officer Dimitri Jacques was assigned to the dance floor area. Jacques said patrons were already on the floor when he entered the

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bar. Jacques did not remember having his firearm drawn when he entered. There was no one on the dance floor where he was but employees were lined up against the wall across the floor from him.

Black Jack Room (Game Room)

*Patrons: Alan Dale, , Geoffrey Calhoun and Maury Girard
Officers: Officer Darnell Perry and Dion Meredith*

Dale was checking a text on his I-Phone when he heard a noise coming from the poolroom. It sounded like some sort of fight breaking out. Dale turned around to see what was happening. There appeared to be a fight and then there were men in black coming towards him demanding that he get on the ground. Dale ended up lying next to the pinball machine face down with his hands behind his head.

Geoffrey Calhoun was in the game room when a black male in civilian clothing yelled, "get the fuck on the floor." Calhoun thought he was being robbed because he saw no credentials. About 2 to 3 seconds later two uniformed officers came into the room and said, "everybody get the fuck down on the floor, face down, hands behind your head." An officer went through his pockets, pulled his wallet from his right back pocket and threw his ID on his back. Shortly thereafter someone came around collecting ID's. About 2 to 3 minutes later his name was called and he was allowed to leave.

Maury Girard provided no statements or interviews.

Officer Darnell Perry was assigned to the game room and never questioned whether there was or was not a warrant. Perry said this wasn't a high risk operation so his weapon remained holstered. Perry did not pat or frisk patrons, nor did he see anyone else pat or frisk patrons.

Officer Dion Meredith did not physically see a warrant but understood there was a warrant for the location. Meredith did not frisk or pat anybody down, nor does he recall seeing anybody get frisked or patted down. Meredith does not remember asking anybody for their IDs, nor does he recall the other officer in the game room with him asking anyone for their IDs. He believes somebody did get their IDs.

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Club Room

Patron: Scott Schneider

Officers: Investigator Jared Watkins and Officer Robert Godwin

Scott Schneider was walking from the back bar back into the club room when he heard a shuffle, a noise and loud voices coming from the area of the pool room and thought maybe there was a fight. Then someone came from the main hall yelling "get down, get down." Schneider was uncertain and got down on his knees and one of the officers said "all the way down, all the way down. Hands on the back of your neck." Schneider never saw officers with guns drawn. Once he was down an officer frisked him, running his hand up and down his leg, felt the pockets and then the chest. Schneider was moved from the club room to the back bar and assumed was going to be released or at least allowed to stand up, but when he got to the back bar room they told him to get back down on the floor again. An officer in the back bar would periodically take his flashlight and shine it in people's eyes particularly if they were looking up. When he walked around the room he would occasionally kick the feet of people saying, "Spread your legs," or he'd sort of get near next to somebody and say, "Hands on the back of your head." An officer came into the club room, the heavy-set guy with the thick brown hair came back in through the hallway entrance and said something sort of derisively, "Mmm, mmm, mmm, look at all this loving going on," and then he walked back out. The heavy-set officer with the thick brown hair came back in the room and said in a loud voice to everyone, "I know that somebody was trading favors with the guy in the red hat. No one's leaving until one of you admit it was you." And then he paused dramatically. No one said anything. And he said, "Really? Nobody? Nobody?" And then he walked out of the room again. Eventually Schneider was asked for his ID and after it was checked he was released.

Investigator Jared Watkins did not believe they needed a search warrant since it was a public place. Nobody was planning on going through drawers. His assignment that night was the backroom.

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Officer Godwin said that night he did not think they needed a search warrant - because they were only going for stuff that was happening then and not previously, there was not intent to go digging around in the closets or coats. At no point during the evening did he see any officer draw their gun.

Back Bar

Patrons: Eric Staats

Officers: Officer Jeremy Edwards

Eric Staats was in the back bar when he saw officers coming down the hall giving verbal commands for everyone to get down, so he got on the floor. Staats works for a police department in Tennessee and described the uniforms to be similar to what he wears on SWAT. Staats didn't recall any officer cursing, just giving forceful commands. Staats was not 100% sure the officers had their weapons drawn but did recall the flashlights because it was dark in the area of the bar he was at. Staats said he was on the floor for about thirty minutes when someone picked up his wallet, which had his badge in it. Staats was walked to the main bar where he handed a female officer his ID. The female officer ran his ID on the computer then released him.

Officer Jeremy Edwards stated that Sergeant Brock made the decision that when Red Dog came in everybody would be placed on the floor for the safety of the police. Edwards was not told whether or not there was a search warrant. Since he is in vice, it was his impression that there was not one because they were only going to arrest for the activity they saw that night. The back room was very low lit. The main source of light was coming from the pool room overflowing into the back room. The back room had anywhere from 10-30 people coming in and out. Edwards was handed a large pocket knife and one wallet by Red Dog and told to open it. It was a police officer and Edwards let him go.

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Upstairs

Employee: David Shepherd

Officers: Officer Craig Condon, Sergeant Willie Adams

David Shepherd lives in an apartment above the bar. About 11:15 PM someone pounded on his door. When Shepherd opened the door there were two officers standing there. The officers asked him if anyone was having sex up there. Shepherd replied he lived there. The two officers escorted him downstairs and told him to sit on the dance floor next to the wall.

Shortly after they entered Sergeant Adams called Condon over to him and they went to search for someone upstairs inside the Eagle. Condon believes one or 2 other investigator came also but he cannot remember who. Condon believed they were looking for the owner/manager who may have had an office upstairs. A white male answered and was told to come downstairs for an investigation. He needed to get a shirt and shoes so when he stepped back inside to do so, Sergeant Adams and the investigator went in too. Condon remained on the landing. Condon was told to take him to the dance floor.

Adams recalls that he was the one who asked the owner to come out of the room so he and Officer Condon knocked on the door upstairs. Adams doesn't recall this being part of the briefing though. Adams didn't know there was a living quarters upstairs. He just remembers that once they were inside, they were told there was a room that had to be cleared.

Upper Deck

Patrons: Dennis Wilson

Dennis Wilson was on the upper deck during the raid and wasn't discovered until the end of the raid. Wilson did not provide a statement or interview relating to the raid.

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C. ACCUSED RESPONSE(S)

- **Major Debra Williams** was not kept up to date on the Eagle investigation, and did not learn of the raid until driving in to work the following day.¹
- **Lieutenant Tony Crawford** alluded to COBRA as an excuse for not being present at the raid, though he expected Sergeant Brock to be at COBRA to answer any vice related questions.²
- **Sergeant John Brock** said it was the consensus of the three sergeants at the briefing that everyone inside the bar would be put on the ground for "officer safety."³ Brock took responsibility for checking everyone on GCIC before being released.⁴
- **Sergeant Kelley Collier** said Sergeant Brock was in charge of the undercover operation.⁵ Collier's assignment the night of the raid was to watch the bar.⁶
- **Sergeant Willie Adams** may have assumed there was a search warrant based on the phone call he received from Lieutenant Pautsch, advising him to contact Sergeant Brock to assist the Vice Unit.⁷ Sergeant Adams took Officer Condon with him to clear the upstairs area, and to get the manager from what Adams thought was the office.
- **Investigator Bennie Bridges** met with Larry Gardner, of the City Solicitors Office, and discussed the need for a search warrant and what charges would be applicable. It was determined that because the bar was open to the public, and arrests would be based on what they witnessed that night, no search warrant was necessary.⁸ Leandro Apud was arrested for

¹ Williams Transcript 116:4 – 10

² Crawford Transcript 15:24 – 16:3

³ Brock Transcript 126:2 – 5

⁴ Brock Transcript 128:7 – 13

⁵ Collier Transcript 48:21 - 23

⁶ Collier Transcript 127:19 – 20

⁷ Adams Transcript 102:25 – 103:9

⁸ Bridges Transcript 106:7 – 12, 349:6 – 13

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Providing Adult Entertainment without a Permit. Bridges signed the arrest ticket and testified in Municipal Court that he had witnessed Apud dancing on the bar.⁹

- **Officer Craig Condon** couldn't recall if he thought there was a search warrant the night of the raid, or if he had his weapon drawn when he entered the bar. He was not identified by anyone for inappropriate conduct during the raid.
- **Officer Stallone Davis** is no longer employed by the City of Atlanta. Thomas Hayes identified Davis as the officer that made him get on the floor and searched his pockets. Hayes said Davis is the one who kicked him and said, "Move over, move over."¹⁰ Davis denied searching, hitting or kicking anyone.
- **Officer Christopher Dowd** was identified by Jeff McLeod and Merwin du-Wayne Ray. McLeod said Dowd refused to provide his name and badge number when asked and told McLeod it was none of his business. Ray identified Dowd as the officer who handcuffed him with plastic zip-ties.¹¹
- **Officer Jeremy Edwards** stated in the Request for Production of Evidence after the raid that he didn't have a mobile communications device, and that he did all of his communicating over the police radio.¹² Edwards said in his interview with Greenberg Traurig (GT) and the Office of Professional Standards (OPS) that he didn't take any pictures the night of the raid.¹³ A picture of Officer Godwin, standing outside a paddy wagon the night of the raid, was downloaded from Edwards' personal cell phone.¹⁴ Robbie Kelley, owner of the Eagle, and Ernest Buehl, doorman at the Eagle, was also pictured sitting in the paddy wagon.
- **Investigator Herman Glass** has retired from the City. He was not identified by anyone for inappropriate conduct during the raid.

⁹ Municipal Court Transcript 20

¹⁰ Hayes Transcript 71:1 - 15

¹¹ Ray Transcript 17:10 - 12

¹² Edwards RFP 4:6, 5:7

¹³ Edwards Transcript 111:23 - 112:1

¹⁴ Edwards Photograph

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- **Officer Robert Godwin** was present the first and last nights of the investigation. Godwin said the first night the Vice Unit visited the Eagle he was tipping heavily and the bartender bought him a shot of Jager. Godwin said it would have looked strange if he walked away from the bar without drinking the shot, so he drank it.¹⁵ Godwin was not identified in any misconduct during the raid.
- **Officer Brandon Jackson** was identified by Robbie Kelley, owner of the Eagle, as the person who kicked in the door to the storage area.¹⁶ Jackson was administered a computer voice stress analysis (CVSA) examination. The results of the CVSA examination was deception indicated. Jackson maintained he did not kick in the door to the storage area.
- **Officer Dimitri Jacques** believed there was a search warrant the night of the raid. He was not identified by anyone for inappropriate conduct during the raid.
- **Officer Melonie Mague** is no longer employed by the City of Atlanta. Mague carried a laptop with her to the Eagle and ran ID checks on the patrons before they were released.
- **Officer Vicente Marciano** was not identified by anyone for inappropriate conduct during the raid.
- **Officer Cayenne Mayes** was not identified by anyone for inappropriate conduct during the raid.
- **Investigator Timothy McClain** was not identified by anyone for inappropriate conduct during the raid.
- **Officer James Menzoian** was not identified by anyone for inappropriate conduct during the raid.
- **Officer Dion Meredith** was not identified by anyone for inappropriate conduct during the raid.
- **Officer Marlon Noble** was not identified by anyone for inappropriate conduct during the raid.
- **Officer Darnell Perry** was not identified by anyone for inappropriate conduct during the raid.

¹⁵ Godwin Transcript 64:14

¹⁶ Kelley Transcript 122:23 – 123:3

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- **Officer William Porter** was not identified by anyone for inappropriate conduct during the raid.
- **Officer Stephanie Upton** is no longer employed by the City of Atlanta. Officer Upton did not know if there was a search warrant for the Eagle. She was assigned to the pool room and is alleged to have gone through patrons pockets. Upton said she conducted a pat down for weapons but did not search through anyone's pockets.
- **Officer William Walters** was not identified by anyone for inappropriate conduct during the raid.
- **Investigator Jared Watkins** was not identified by anyone for inappropriate conduct during the raid.

D. Officer Identification

Witnesses were afforded the opportunity to look through a book of photographs of officers involved in the raid on September 10, 2009. The photographs consisted of four images depicting officers as they were dressed the night of the raid, and candid photographs made near the time of the raid. The following officers were identified from the book of photographs. Only officers identified as acting inappropriately are listed.

Officer Brandon Jackson (4117)

Robbie Kelley: "That's the one that tried to kick in the dance floor door, that's the one that said I was a faggot, I had no rights, that's the one that kept telling me to shut the fuck up."¹⁷

Officer Christopher Dowd (4162)

Jeff McLeod: "...when I asked his badge number or name for reference on the way out, he said it's none of your business you don't need to know any of that."¹⁸

¹⁷ Kelley Transcript 122:23 – 123:3

¹⁸ McLeod Transcript 54:24 – 55:2

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Merwin du-Wayne Ray: "He was the one in the store that put the handcuffs on me, zip-tie handcuffs."¹⁹

Officer Stallone Davis (4208)

Thomas Hayes: "He's the one who told me to get on the floor and searched my pockets. He's the one who kicked me, move over, move over; went in my pockets, took my wallet, and then told me to produce my driver's license."²⁰

Sergeant John Brock (4245)

Scott Schneider: "He was the one who first entered the club room and asked about the person with the red hat, later came in and said look at all this loving going on and then said nobody was leaving until somebody admitted they traded favors with the guy in the red hat."²¹

Plaintiff's attorney, Dan Grossman, acknowledged on the record that he had emailed photographs of the involved officers to the witnesses for viewing prior to the interviews conducted jointly by GT and OPS.²²

E. Inconsistencies

- The manager of Rawhide, Du-Wayne Ray, and his roommate, Jeff McLeod, both identified Officer Dowd as the officer that handcuffed Ray with a plastic zip-tie. Officer Christopher Dowd said he knew for a fact he didn't handcuff anyone the night of the raid.²³

¹⁹ Ray Transcript 17:10 – 12

²⁰ Hayes Transcript 71:1 – 15

²¹ Schneider Transcript 59:2 – 8

²² Hayes Transcript 73:24 – 74:7

²³ Dowd Transcript 58:23 – 25

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- Sergeant John Brock was identified by patron Scott Schneider as making inappropriate comments during the raid.²⁴ Brock maintains no Standard Operating Procedures (SOP) were violated the night of the raid.²⁵

F. Work Rule Violations

4.1.01 Appropriate Action

- Officer Jeremy Edwards was handed a wallet by a Red Dog officer that contained a police badge and ID belonging to Eric Staats. Edwards took Staats from the back bar to Officer Mague, who was checking ID's on the computer. Staats was released as soon as his ID was checked on the computer. Edwards said it was his decision to release Staats because he hadn't been involved in any illegal activity.²⁶

4.1.03 Truthfulness

- Lieutenant Tony Crawford said in his initial statement to OPS that he had reviewed the TAC plan prior to the raid.²⁷ Crawford said in the joint interview with GT and OPS that Sergeant Brock slipped the TAC plan under his door and he
- didn't see the plan until the next day.²⁸

Sergeant John Brock testified in the Municipal Court of Atlanta that he saw, "...several people paired up involved in some sort of sexual act."²⁹ Brock said in the joint interview between GT and OPS that the night of September 10, 2009, his position was at the main bar. Once Brock entered the bar he took his position at the main bar and didn't move from that position.³⁰

²⁴ Schneider Transcript 59:2 - 8

²⁵ Brock Transcript 222:9 - 12

²⁶ Edwards Transcript 82:2 - 19

²⁷ Crawford OPS Statement 2

²⁸ Crawford Transcript 15:22 - 16:13

²⁹ Municipal Court Transcript 38

³⁰ Brock Transcript 154:8 - 10

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- Sergeant Willie Adams said in his statement to OPS on March 4, 2010, "I instructed several officers to let them sit up, the ones that I saw were still laying down."³¹ Adams said in his interview with the Atlanta Civilian Review Board (ACRB) that the patrons were allowed to sit up once they were secured.³² It was noted in Adams' interrogatory, "By the time Defendant entered the club, all patrons were sitting on the floor."
- During the interview with the ACRB Adams said, "I think everybody was patted down from what I was able to observe."³³ In the joint interview with GT and OPS Adams was asked if he saw any officers patting down any of the patrons during the raid. Adams replied, "No."³⁴
- Investigator Bennie Bridges arrested Leandro Apud for Providing Adult Entertainment without a Permit. Bridges signed the arrest ticket and testified in Municipal Court that he had witnessed Apud dancing on the bar, "...gyrating his hips, standing over patrons dancing while they were tipping him."³⁵ Statements by officers and witnesses indicated there were only three dancers performing at the time of the raid, Kline, Benitez, and Johnson. Apud was in the changing room preparing to dance when Red Dog entered the bar.
- Officer Jeremy Edwards appears to have been untruthful in the Request for Production of Evidence (RFP) when he said he had no mobile communications device on his person at the time of the raid.³⁶ During the interview at the Office of Professional Standards Officer Edwards said he didn't take any pictures during the raid or immediately following the raid. Officer Godwin stated Edwards photographed him while inside the Eagle the night of September 10, 2009. Edwards

³¹ Adams OPS Statement 030410 3

³² Adams ACRB 4

³³ Adams ACRB 4

³⁴ Adams Transcript 169:23

³⁵ Municipal Court Transcript 20

³⁶ Edwards RFP 4:6 - 7

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said in his statement he didn't take any pictures the night of September 10, 2009. A photograph taken of Godwin standing outside the paddy wagon with employees of the Atlanta Eagle the night of September 10, 2009 was downloaded from Edwards' personal cell phone. The two photographs immediately before the photograph of Godwin at the paddy wagon had been deleted from Edwards' personal cell phone before the download.³⁷

- Officer Dimitri Jacques completed an interrogatory and stated he had never been charged with, convicted of, or pled guilty or nolo contendere to any crime, code violation, or ordinance violation.³⁸ Jacques was charged with Providing Alcohol to a Minor in Florida when he was 21 years old, prior to his employment with the City of Atlanta. Jacques revealed the arrest in his pre-employment application.
- Officer Brandon Jackson was identified from the photo book by Robbie Kelley as the officer that kicked in the kitchen door.³⁹ Jackson was administered a computer voice stress analysis (CVSA) exam. The results of the CVSA were deception indicated. Jackson maintained he did not kick in the door. Jackson stated in an interrogatory he has never been found to be untruthful or to have misled any court, judge, magistrate, government agency, government department, superior officer, fellow officer, or subordinate officer.⁴⁰ Jackson currently has an open Internal Affairs investigation for Untruthfulness, after it was alleged he lied under oath during a hearing in Federal Court.
- Officer James Menzoian stated in an interrogatory he has never been found to be untruthful or to have misled any court, judge, magistrate, government agency, government

³⁷ Edwards Transcript 111:18 – 112:1

³⁸ Jacques Rogs 20:11

³⁹ Kelley Transcript 122:23 – 123:3

⁴⁰ Jackson Rogs 7:13

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department, superior officer, fellow officer, or subordinate officer.⁴¹ Menzoian currently has an open Internal Affairs investigation for Untruthfulness, after it was alleged he lied under oath during a hearing in Federal Court.

- Officer Vicente Marcano responded in an interrogatory he had never been disciplined in relation to his duties as a police officer.⁴² Marcano has three sustained work rule violations. Marcano received two oral admonishments and one written reprimand for the violations.
- Officer Cayenne Mayes responded in the joint interview with GT and OPS that he had patted patrons down the night of the raid.⁴³ Mayes said in his statement to the ACRB that he did not pat down or frisk anyone.⁴⁴

4.1.05 Obey the Law

Fourth Amendment Rights of the patrons of the Atlanta Eagle were clearly violated by all officers the night of the raid in the following manner:

- Sergeant John Brock was in on the decision to place everyone in the bar on the floor for "officer safety." Brock also made the decision to check everyone through GCIC before they were released.
- Sergeant Kelley Collier was in on the decision to place everyone in the bar on the floor for "officer safety."
- Sergeant Willie Adams was in on the decision to place everyone in the bar on the floor for "officer safety."
- Investigator Bennie Bridges allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Craig Condon allowed patrons to remain on the floor,

⁴¹ Menzoian Rogs 9:12

⁴² Marcano Rogs 7:10

⁴³ Mayes Transcript 86:1 – 6

⁴⁴ Mayes ACRB 6:1 – 3

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and restricted their movement, while their ID was checked on the computer without probable cause.

- Officer Stallone Davis allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Christopher Dowd detained employees and patrons from a legal business, Rawhide Leather, without probable cause.
- Officer Jeremy Edwards allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Investigator Herman Glass allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Robert Godwin allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Brandon Jackson allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Dimitri Jacques allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Melonie Mague allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Vicente Marciano allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Cayenne Mayes allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Investigator Timothy McClain allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer James Menzoian allowed patrons to remain on the floor, and restricted their movement, while their ID was

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checked on the computer without probable cause.

- Officer Dion Meredith allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Marlon Noble allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Darnell Perry allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer William Porter allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer Stephanie Upton allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.
- Officer William Walters detained patrons by restricting their movement without probable cause.
- Investigator Jared Watkins allowed patrons to remain on the floor, and restricted their movement, while their ID was checked on the computer without probable cause.

4.2.02 Courtesy

- Officer Jeremy Edwards used his personal cell phone to photograph Officer Godwin with prisoners in the back of a paddy wagon.⁴⁵

4.2.03 Responsibilities of a Supervisor

- Major Debra Williams, commander of the Special Enforcement Section, failed to follow-up with Lieutenant Tony Crawford after directing Crawford to handle the complaint of illegal activity at the Atlanta Eagle. Williams claims she was not aware of the raid until the following day.⁴⁶

⁴⁵ Edwards Photograph

⁴⁶ Williams Transcript 49:24 – 50:2

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- Major Williams attended a press conference after the Atlanta Eagle raid. During the conference Williams said we do computer checks on all patrons.
- Lieutenant Tony Crawford used the excuse that he had to attend COBRA as the reason he wasn't at the raid, though he required Sergeant Brock to be at the COBRA meeting to address any vice related questions.
- Sergeant John Brock allowed patrons to be kept on the floor after employees that were to be arrested had been separated from the patrons.
- Sergeant Brock knew there was no search warrant for the Eagle but did not intervene when he saw a Red Dog officer attempting to kick in a storage room door inside the club.⁴⁷
- As the lead supervisor, it was Sergeant Brock's responsibility to make certain the briefing was thorough, and that everyone knew there was no search warrant for the Eagle.
- Sergeant Kelley Collier allowed patrons to be kept on the floor after employees that were to be arrested had been separated from the patrons.
- Sergeant Willie Adams allowed patrons to be kept on the floor after employees that were to be arrested had been separated from the patrons.

4.2.05 Unlawful Orders

- Sergeant Brock made the determination to hold patrons not witnessed involved in illegal activity and check ID's on GCIC. This was based on seeing a supervisor chastised at a weekly COBRA meeting for not checking people on GCIC in an unrelated police detail.⁴⁸

⁴⁷ Brock Transcript 146:12 – 19

⁴⁸ Brock Transcript 127:15 – 4

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- Sergeant Willie Adams was in on the decision with Sergeant Brock to place all patrons on the floor when Red Dog entered the Eagle.⁴⁹

4.2.12 Discrimination

- Sergeant Brock was asked why he put everyone down on the floor and said, "There's a risk factor involved when you're dealing with people you don't know anything about. S&M, that – that has a stigma of some sort of violence."⁵⁰ Brock alluded to that being the reason he had everyone put on the ground.

4.2.13 Discriminatory References

- Officer Jeremy Edwards said in the joint interview with GT and OPS, "Seeing another man have sex with another man in the ass, I would classify that as very violent."⁵¹
- **Unknown officers**
- Johnny Curran said as he had been lying on the floor in the main bar for about five minutes when an officer stepped over him and said that he really hated gay people.⁵² Curran said while on the floor he overheard one officer say to another officer, "Raiding a gay bar was more fun than raiding niggers with their crack."⁵³
- Brian Hughes was a patron in the Atlanta Eagle. Mr. Hughes said as he was walking across the lower deck to the parking lot he heard someone say, "We like busting a gay bar more than busting niggers on crack."⁵⁴ Brian Hughes was released from the bar after his name was checked on GCIC at 11:30 pm, at least 30 minutes prior to Mr. Kelley being escorted from inside the bar and across the deck. Mr. Hughes also

⁴⁹ Adams Transcript 66:4 – 67:19

⁵⁰ Brock Transcript 125:15 – 126:2

⁵¹ Edwards Transcript 73:4 – 6

⁵² Curran Transcript 80:15 – 24

⁵³ Curran Transcript 93:16 – 20

⁵⁴ Hughes Transcript 52:2 – 6

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noted he heard the voice from the right side of the lower deck as he exited.

- Robbie Kelley alleged he heard an officer say as he was being escorted across the lower deck to the paddy wagon, "This is much more fun than busting a nigger on crack."⁵⁵ Kelley said it sounded as if it came from near the dumpster, located on the left side of the deck as you exit. The bar owner, Mr. Kelley, was one of the last people to be escorted from the bar to the paddy wagon sometime after midnight.
- Du-Wayne Ray, manager of Rawhide Leather, said he was handcuffed and sitting on the right side of the lower deck as you exited. Mr. Ray said there was a black officer and two white officers standing next to the steps that lead to the parking lot. Mr. Ray said he heard one of the white officers say to the other, "This was more fun than raiding niggers for crack."⁵⁶ Mr. Ray was released without being checked on the computer so it is uncertain what time he may have heard the comment; however, Mr. Ray had been released prior to Mr. Kelley being escorted from the bar.
- Jeff McLeod was Du-Wayne Ray's roommate. Mr. McLeod was inside of Rawhide Leather and was also detained on the lower right side of the deck with Mr. Ray. Mr. McLeod said he heard the tall guy say to the little guy, "This is more fun than busting niggers for crack."⁵⁷ Mr. McLeod was not checked on the computer so it was uncertain what time he may have heard the comment; however, Mr. McLeod had been released prior to Mr. Kelley being escorted from the bar.
- All officers at the Atlanta Eagle denied making any comment similar to that described by Johnny Curran, Robbie Kelley, Brian Hughes, Du-Wayne Ray and Jeff McLeod. With the exception of the comment overheard by Curran in the main bar, the allegations described above were heard from different areas of the lower deck, at different time intervals. Three of the five individuals that allege to have heard this worked together. The fourth and fifth were regular customers. There was no substantial evidence to substantiate this allegation.

⁵⁵ Kelley Transcript 101:22 – 102:2

⁵⁶ Ray Transcript 30:24 – 31:7

⁵⁷ McLeod Transcript 34:14 – 17

4.2.33 Conformance to Directives

- Investigator Bridges said he completed a supplemental incident report after each detail at the Atlanta Eagle.⁵⁸ There are no supplemental incident reports created by Investigator Bridges on file for the June 11, 2009 detail, or the September 3, 2009 detail.

4.2.37 Unsatisfactory Performance

- Lieutenant Tony Crawford did not follow the investigation, nor did Crawford provide Major Williams, his supervisor, adequate updates regarding the progress of the investigation. Crawford was described by many of the Vice personal to be absent from most if not all Vice related operations. Crawford used COBRA as an excuse for not being present during the raid but required Sergeant Brock to attend COBRA to answer vice related questions.

4.2.49 Abuse of Authority

- Officer Melonie Mague was running patrons ID's on the computer before they were released. Robert Treutel believed he was held longer than the others because he was the most vocal about being detained for no reason. When another officer questioned Mague why an ID was still there, Mague responded someone had asked her to hold it. Treutel was the last patron to be released.

⁵⁸ Bridges Transcript 97:2 – 10

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4.2.50 Maltreatment or Unnecessary Use of Force

- There is no evidence of a use of unnecessary force.

4.6.09 Use of Firearms

- There is no evidence of improper use of firearms.

G. PHYSICAL EVIDENCE:

Cell phone records
Photographs
Email
Diagrams
Court Transcript(s)
Interview Transcripts
OPS Statements

H. INVESTIGATIVE FINDINGS:

Concerns raised during this investigation have been outlined in Section D (Work Rule Violations) of this summary.

The investigation was the responsibility of the Vice Unit. The decision to obtain a search warrant, check ID's of individuals the night of the raid, or how long to detain individuals the night of the raid was the burden of the Vice Unit.

Red Dog officers had no knowledge of the investigation leading up to the raid the night of September 10, 2009, and merely followed the lead of the Vice Unit. Red Dog officers were never informed whether or not there was or was not a search warrant, which was common practice. The Red Dog officers relied on their supervisor to make sure everything was in order and all paperwork was in place. Most, if not all, Red Dog officers were operating under the premise there was a search warrant.

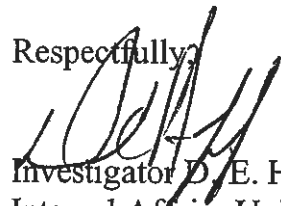
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There was no evidence to indicate undercover officers violated Department SOP relating to drinking alcohol during the investigation. No witnesses or officers witnessed an undercover officer appear to be intoxicated. Investigators assigned to the Vice Unit had to use their City issued funds to pay for cover charges and drinks for officers assigned to the Vice Unit as borrowed personnel.

This file is being submitted for your review and recommendations.

Respectfully,


Investigator D. E. Haff
Internal Affairs Unit
Office of Professional Standards